

which extension fees are due. Please amend the above-identified application as detailed hereinbelow.

AMENDMENTS

In the Claims:

Please cancel claims 3, 4, 5 and 7.

B₁ 1) (Amended) A recombinant potyvirus infectious nucleic acid construct useful for plant cross protection, the construct comprising a full length clone characterized by a single mutation, said single mutation residing in its HC-Pro gene conserved FRNK box encoding sequence said single mutation encoding a substitution of Arg by Ile;
wherein the construct is capable of systemic infection of a plant;
wherein said systemic infection induces a mild form of disease; and wherein said systemic infection affords cross protection against a subsequent potyvirus infection.

2) (Amended) A recombinant construct according to claim 1 wherein the nucleic acid is cDNA or an RNA transcript.

B₂ 6) (Amended) A recombinant potyvirus infectious nucleic acid construct according to any of claims 1 and 2 wherein the potyvirus is ZYMV.

B₃ 10) (Amended) A recombinant construct according to claim 6 wherein said cross protection is against severe strains of ZYMV.

11) (Amended) A recombinant potyvirus infectious nucleic acid construct according to any of claims 1, 2 and 6 wherein the potyvirus is selected from BCMV, BYMV, BtMV, MWMV, OYDV, PRSV, PSTV, PepMoV, PVMV, CGVBV, GEV,

ISMV, JGMV, LYSV, LMV, MDMV, PPV, PVA, PVV , PVY, SCMV, SPFMV, TEV, TVMV, TBV, TuMV, WMV-2 , YMV and ZYFV.

B3
cont.
12) (Amended) A recombinant construct according to any of claims 1, 2, 6, 10 and 11 further useful for the transient expression of foreign nucleic acid in plants wherein the full length clone has, in any position, a sequence of DNA or RNA inserted into the full length clone.

B4
15) (Amended) A method for introducing foreign nucleic acid into plants comprising infecting a plant with a recombinant potyvirus infectious nucleic acid construct as defined in claim 11.

B5
20) (Amended) Compositions for plant inoculation or for transient expression of foreign nucleic acid in plants containing, as an active ingredient, the recombinant construct according to any of claim 1, 2, 6, 10, 11 and 12.

REMARKS

Claims 1-7, 10, 11, 12, 15 and 20 are in this case. All other claims have been withdrawn from examination by the Examiner as a result of an election request made final by the current action. The Applicant considers the non-elected claims cancelled. Applicant notes that CRF and paper sequence listing have been entered and that IDS has been received and entered. Claims 1-7, 10, 11, 12, 15 and 20 stand rejected under 35 USC § 112, first and second paragraphs. Claims 1-6, 10, 11, 12, 15 and 20 are further rejected under 35 USC § 102(b) as being directly anticipated by Huet *et al.* (J. General virology 75:1407-1414;